

Meeting Minutes

Plan & Zoning Commission Meeting

Tuesday, April 20, 2010

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The April 20, 2010 meeting of the Plan & Zoning Commission was called to order at 6:30 pm by Chairman T.Ripper.

ROLL CALL

Members present: D.Fliger, D.Godwin, S.Lawrence, S.Odson, G.Pareti, T.Ripper, L.Voigt.

Absent: T.Anliker, J.Austen. Staff present: J.Peterson, E.Jensen, S.Perkins, T.Kuhn.

AMENDMENTS TO THE AGENDA

Motion by S.Lawrence to approve the agenda as submitted. Second by L.Voigt. All voted aye.

Motion carried 7– 0.

COMMUNICATIONS

There were no communications.

CITIZEN'S REQUEST

There were no requests.

CONSENT AGENDA ITEMS

Item #1. Minutes

Motion to approve and accept the April 6, 2010 minutes of the Plan & Zoning Commission meeting. Motion by S.Odson to approve recommendations for Consent Agenda Item #1.

Second by S.Lawrence. All voted aye. Motion carried 7 – 0.

PUBLIC HEARINGS

Item #2. Small Wind Energy Conversion System Ordinance

Staff Report: E.Jensen presented a PowerPoint report on the proposed Small Wind Energy Conversion Systems (SWECS) ordinance. He explained that in recent years the City has received questions and requests to allow the installation of wind turbines on commercial and residential property. A recent variance request by Karl Chevrolet to allow three 120-foot tall wind systems was denied by the Zoning Board of Adjustment citing that it did not meet the variance criteria. A Special Use Permit request by DMACC, zoned U-1, for a wind turbine was granted by ZBOA. U-1 zoning is unique and does not restrict height. Currently, the code does not address wind energy, systems have been classified as accessory structures for compliance review with the height limitation of 12 feet which essentially prohibits their use in most zoning districts. E.Jensen reported that a model ordinance was drafted by the Metro Advisory Council Technical Committee and adopted by MAC in December of 2009 to serve as a base for Metro area jurisdictions. The proposed Ankeny SWECS ordinance is largely unchanged from the MAC model with four exceptions:

Minimum lot size: The MAC ordinance allows 1 acre, the Ankeny draft requires a 3-acre minimum.

Minimum setback: The MAC ordinance requires 150% of the system height measured from the ground to the top of the blade at its fullest extension; the Ankeny draft includes a graduated setback based on the height of the tower. As the height increases, the setback increases. ,

Maximum height: The MAC ordinance limits height to 100 feet, the Ankeny draft allows a tower up to 140-feet tall. As lots increase in size, a slightly taller tower is allowed: for a 3 -5 acre lot, the maximum height is 65-feet; for a lot size of 5 – 40, the maximum height is 80-feet; for lots 40 - 100 acres, the maximum height is 100 feet; lots in excess of 100 acres are allowed a maximum height of 140 feet. Commercial building mounted units would be allowed to be 10-feet taller than the building on which they are located.

Minimum blade length: The MAC ordinance sets no standards, the Ankeny draft limits the blade length to 50% of the tower height to insure that the blade length and tower height are compatible.

The Ankeny ordinance regulates three different types of wind systems: horizontal axis, vertical axis and building mounted. For residential use, the turbine size is limited to a maximum of 15kW; for commercial, industrial or institutional use, the size is limited to 100 kW. The much larger wind farm turbines, typically 200-400 feet in height, are not regulated by this ordinance and are not allowed in Ankeny.

E.Jensen explained that in addition to lot size, setback, height and blade length, the ordinance addresses:

Electricity Use - generally intended for systems where the electricity produced is consumed on-site.

Noise – must comply with the existing noise ordinance

Color – must be white, sky blue or, light gray

Number permitted – limited to one freestanding tower per eligible residential lot, no building mounted permitted. Commercial, Industrial, Institutional allows one freestanding per eligible lot that exceeds the typical height requirement of the zone district with additional freestanding no taller than the tallest existing building on site. No limit on building mounted that conform to all requirements.

Design – monopole, no guyed tower, no lattice tower

Blade Clearance 30 feet from ground for horizontal axis, 10 feet for vertical axis

Lighting – none allowed unless required by FAA

Shadow Flicker - may not cause shadow flicker on an existing residential structure

Signage – none allowed

Utility Connection – requires Interconnection Agreement with utility company

Engineered Structure – requires certification by Iowa licensed PE

Safety controls - needs to be in place and installed correctly

Abandonment – allows for removal if abandoned for 6 months

The proposal requires a Special Use Permit by the Zoning Board of Adjustment and site plan approval by the Plan & Zoning Commission.

E.Jensen presented an aerial showing potential locations for small wind energy systems based on lot size. He further identified specific lots on site maps with potential locations further

restricted by the setback requirements; summarizing that there would be very little usable area on most sites of adequate lot size.

E.Jensen provided an update on the status of SWECS ordinances in other metro communities. He advised the commission that with the potential for nuisance impact, the ordinance needs to allow systems that are appropriately located, sized and set back to minimize those impacts. Staff believes that has been accomplished with this ordinance and recommends approval.

D.Godwin asked if the wind turbine at DMACC would be allowed by this Code. E.Jensen responded that it would, it meets the size and set back criteria. D.Godwin asked why the draft code exceeds the MAC ordinance for maximum height. E.Jensen responded that the industry standard is in the 120 to 140 foot range, and with the additional setback, staff was comfortable recommending a slightly taller tower.

D.Fliger asked what the county regulations are for SWECS. E.Jensen said that they have 5 different categories of wind systems that they allow, he believes the smallest lot size allowed would be similar to the proposed Ankeny ordinance.

S.Odson asked what the standard blade length is. E.Jensen stated that it varies depending on the provider.

Jonathan Balashaitis, 1209 NE Stonevalley Circle, displayed a model of an Energy Ball wind turbine and presented photographs of a guyed tower on Ordinance Road, utility poles, and flag poles in Ankeny. He outlined his concerns with the proposed ordinance: Why are building mounted systems prohibited in residential neighborhoods if they are certified by a licensed engineer to withstand high winds. He disagrees with limiting the height of additional turbines in commercial, industrial areas. He agrees with the monopole design. He disagrees with the restriction to allow wind turbines only for the production of electricity, since there are other applications such as electric car chargers and sign illumination. He questioned the noise restriction, noting that a refrigerator has a decibel level of 50, the wind turbine prototype he brought in has a decibel level of 43. Mr.Balashaitis stated that the proposed code limits 90% of the residential lots in Ankeny. He believes the requirement for \$2M in insurance is excessive and questioned the reason for a feasibility study. He disagreed with the setback, lot size and blade clearance requirements. He believes turbines should be allowed on residential rooftops.

J.Peterson reminded the Commission that they each received a packet of information from Mr.Balashaitis outside of the public hearing that should be recorded as received into the record.

Robert Thompson, CEO, Home Energy Americas, McKinney, TX said he has placed over 1500 of the Energy Ball turbines in Europe and the United States and he has written 20 different city ordinances for wind turbines. He stated that the proposed ordinance is highly restrictive excluding wind turbines for most residents. He said the requirement for \$2M of insurance is cost prohibitive for most people. He believes that compliance with federal and state safety restrictions should be adequate without adding additional city regulations. He stated that a manufacturer study found that homes that applied wind or solar energy sell 62% faster than homes that do not have wind or solar energy. Additionally, studies have shown that \$20 in home value is added for every \$1 invested in renewable energy.

D.Fliger asked what the payback is for a typical residential wind turbine. Mr. Thompson responded that the cost of a 1kW turbine is \$10,000-12,000, a 2½ kW turbine is \$18-20,000, the homeowner would be eligible for a 30% tax rebate, resulting in a payback period of about 10 years.

T.Ripper asked the Commission if there was additional information they would want staff to research for the next meeting:

S.Odson asked why residential building mounted is prohibited and if the safety controls are required only if the tower is hooked into the grid. He would like an explanation of the setback requirements. S.Odson asked Mr. Thompson what cities have a good wind energy ordinance. Mr. Thompson responded that Islip, New York has a good ordinance.

G.Pareti said he wanted to know the impact of the noise and agreed that the insurance seems unreasonable. He also would like to understand the future use for electric cars.

S.Lawrence said she would like to see how the map showing potential locations for small wind energy systems would change with the MAC ordinance regulations.

L.Voigt asked about the value of the feasibility study.

D.Fliger said that he appreciates the testimony of Mr. Balashaitis and Mr. Thompson as the community is learning more about wind energy.

Motion by D. Godwin to close the public hearing and receive and file documents. Second by G. Pareti. All voted aye. Motion carried 7 – 0.

BUSINESS ITEMS

Item #3. Ashland Ridge Plat 1 Preliminary Plat

Staff Report: S. Perkins presented the plat drawing and aerial showing Ashland Ridge Preliminary Plat located west of NW Ash Drive, north of Ashland Ridge Elementary school. It is proposed as an 84 lot subdivision on 28 acres. She explained that the property was rezoned from R-1 to R-3 with conditions in October 2009. Restrictions placed on the parcel included single family detached lots only and lots adjacent to Prairie Ridges Estates to the north and Ashland Meadows to the south were required to be at least 70-feet in width and the developer should try to match property lines. S. Perkins stated that the preliminary plat complies with the restrictions placed on the rezoning. Kimberly Properties Inc. has proposed 4 phases for developing the property. Street development includes two east/west streets accessing NW Ash Drive and a north/south street, NW Northpark Drive connecting Prairie Ridge Estates to Ashland Meadows. In addition to 4-foot public sidewalks along all streets, an 8-foot trail is in place along NW Ash Drive, an 8-foot trail connects to Ashland Ridge Elementary School between lots 5 & 6, and an 8-foot trail will extend along the east side of NW Northpark Drive from NW 32nd Street to NW 26th Street with a portion of the southern piece of 8-foot trail placed in a 5-foot wide sidewalk easement. 8-inch water main will be extended through the property. The majority of the storm water will be collected in a bluebelt designated as Outlot W a detention and water quality system designed to release storm water at a 5-year pre-developed rate. Staff recommends the Plan and Zoning Commission recommend City Council approval of the Ashland Ridge Plat 1 Preliminary Plat and recommend City Council authorization of cost participation for the eight-foot trail on NW Northpark Drive.

D.Godwin asked who will own Outlot W. S.Perkins responded that if it is designed to meet city standards, the city will take ownership and be responsible for maintenance.

Motion by G.Pareti to recommend City Council approval of the Ashland Ridge Plat 1 Preliminary Plat and recommend City Council authorization of cost participation for the eight-foot trail on NW Northpark Drive. Second by S.Lawrence. All voted aye. Motion carried 7 – 0.

Item #4. 675 SW Ankeny Road – On With Life Outpatient Building & Parking Expansion Site Plan

Staff Report: S.Perkins reported that this site plan featuring a modular home with a 2-foot stone skirt base for On With Life was before the Commission in December of 2009. At that time there were concerns regarding the temporary nature of the structure and the lack of consistency with the site architecture. In response to those concerns the applicant has provided a master plan of the entire site showing how the building will fit in with long range plans, a letter explaining the short and long term goals for On With Life and have provided additional landscaping to screen the stone skirting. S.Perkins presented the plan showing the location of the 2,888 sf modular building, 6 parking spaces and associated landscaping. The current site consists of a 40,000 sf clinical building, 1800 sf storage building and a 14 unit apartment complex. Staff's recommendation is to approve the On With Life outpatient building and parking expansion.

D.Fliger asked how tall the landscaping will be at planting and questioned if the screening at planting will be substantial. S.Perkins presented the plant schedule showing shrubs at 24 – 36 inches in height, white pines at 6-feet tall, and additional trees at a 2-inch caliper.

L.Voigt asked there are any changes, other than the landscaping and position of the building. S.Perkins said there were no other changes. G.Pareti asked if they have spoken to any of the neighbors. Pat Stilwill, Administrator of On With Life, stated that he spoke with the neighbor directly behind the proposed outpatient location, and he is in support of the project. He explained that the apartment structures are not too different from this building as far as looks and aesthetics. He explained that the purpose of the letter that accompanied the submittal further explains the future expansion plans for the complex. Mr. Stilwill introduced Tom Friedman and Jeff Lamberti.

Tom Friedman, 713 NE Barclay Cir stated that he is a member of the On With Life Board of Directors, and said the Board is in full support of the project and asked for approval of the site plan.

Jeff Lamberti, 210 NE Delaware Ave. stated that he is also a member of the Board, and President of the Foundation. He explained that their preference would be new construction through a capital campaign program, however, he believes initiating a campaign with the current economy would not be likely to succeed. He stated that there is a need to serve outpatients statewide that is not being met. He does not believe approval of this project sets a precedent because this facility has been a member of the community for more than 20 years, it employs over 125 people, and serves a very unique group of people.

T.Ripper asked Mr.Stilwill to explain the time restraint on licensing that was presented at the December meeting. Mr. Stilwill responded that the outpatient clinic will operate through the existing license which places a restriction on co-mingling of inpatients with outpatients – therefore creating the necessity for a separate structure. If this project is not approved, the patients will be underserved.

D.Godwin stated this project is not his preference, but he understands the need and believes this building is not entirely inconsistent with the apartments on campus. He said that with repositioning the building and the additional landscaping he can support the project.

D.Fliger said he appreciates the applicants making adjustments. Because he believes the colors match the existing apartments and the landscape buffering will mature quickly, he can support this project.

L.Voigt asked if any further consideration was given to doing something different with the existing deck. Eric Cannon, Snyder & Associates, said that the entry will be a green treated ADA compliant ramp with rails. L.Voigt suggested the rails could be enhanced to look like a more permanent structure, he asked if there will be a deck on the front and rear. Mr.Cannon said there will be a white synthetic deck on the front, installation of a deck in the rear will depend on the grading.

S.Odson said he struggles with approving a trailer. He believes that without being on a permanent structure – the building depreciates in value. He said he appreciates the additional landscaping and the work the applicant has done on the project. If the building was placed on a permanent structure, he would approve it.

Motion by D.Fliger that the Plan & Zoning Commission approve the On With Life Outpatient Building & Parking Expansion Site Plan at 675 SW Ankeny Road. Second by G.Pareti. Motion carried 6 – 1 (nay: S.Odson)

REPORTS

City Council Meeting

D.Godwin reported on his attendance at the April 19th City Council meeting.

Director's Report

J.Peterson reviewed the tentative agenda items for the May 4, 2010 and advised the Commission that public hearings are set for the Comprehensive Plan Update and the Ashland Meadows/Ashland Villas Townhomes PUD Amendment on May 4, 2010 at 6:30 pm.

J.Peterson provided an update on current staff projects including work on amendments to the Prairie Trail PUD, accepting comments to the Comprehensive Plan, discussions with North Polk school district on future growth, work on Ankeny school district projects and discussions with Polk County staff on future county development.

J.Peterson presented cards to the Commissioners in recognition of Volunteer week expressing his appreciation for their service.

Commissioner's Reports

S.Odson asked when the sidewalks on NE Delaware, north of Fountain View will be installed.

J.Peterson responded that the project is scheduled for 2013.

S.Lawrence expressed concern regarding a visibility issue at SE Wanda and SE 9th Street.

D.Fliger shared with the Commission a resident's issue with Consumers Energy utility rates.

J.Peterson stated that the City has no authority to control the energy companies rate structure.

MISCELLANEOUS ITEMS

G.Pareti will be unable to attend the May 3, 2010 City Council meeting, S. Lawrence will attend.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 pm.

Submitted by Trish Kuhn

Secretary, Plan & Zoning Commission